IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.497 OF 2006

IN

SUMMARY SUIT NO.2777 OF 2006

Mohan H. Khanchandani ...Plaintiff

v/s

Mohammed Raza ...Defendant

Mr K. Kukreja i/b M/s Kukreja and Co. for Plaintiff.

Mr C.K. Tripathi for Defendant.

CORAM : D.K. DESHMUKH J.

DATE : 31ST JANUARY 2007.

P.C. :-

1. By consent of the parties, summons for judgment is disposed off in following terms.

2. The defendant shall deposit in this Court an amount of Rs.3,00,000/- with due notice to the plaintiff within a period of twelve weeks from today. On such deposit being made, the summons for judgment shall stand disposed off and leave to defend the suit shall stand granted to the defendant. In that event, the defendant to file written statement within twelve weeks thereafter.

3. In case the amount is deposited, the plaintiff is permitted to withdraw the amount on furnishing bank guarantee to the satisfaction of Prothonotary and Sr. Master of this Court and giving an undertaking to this Court to bring back the amount if so directed by this Court on such terms and conditions as the Court may direct and further undertaking that in such situation, the rate of interest shall not be less than 12 % p.a.

4. If the amount is not withdrawn within a period of eight weeks from the date of deposit, it be invested in fixed deposit in a nationalised bank till the

disposal of the suit.

5. In case the defendant does not deposit the amount within the aforesaid period, this summons for judgment shall stand granted and the suit of the plaintiff shall stand granted in terms of prayer clause (a). In that event, the plaintiff shall be entitled for refund of court fees as per rules. Summons for judgment is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.